

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

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In re FEDEX GROUND PACKAGE)	CAUSE NO. 3:05-MD-527 RM
SYSTEM, INC. EMPLOYMENT)	(MDL-1700)
PRACTICES LITIGATION)	
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THIS DOCUMENT RELATES TO:)	
)	
<i>Scott Ward, et al. v. FedEx Ground Package</i>)	
<i>System, Inc.</i>)	
)	
Cause No. 3:09-CV-356 RM (FL))	
_____)	

ORDER

This matter is before the court on FedEx Ground's motion to dismiss the plaintiffs' second amended complaint (doc. # 1781) and the plaintiffs' leave to amend their complaint and file a third amended complaint (doc. # 1786). FedEx has responded to the plaintiffs' motion for leave to amend complaint (doc. # 1825) indicating that it has had an opportunity to review the plaintiffs' proposed third amended complaint and has no objection to the plaintiffs' motion for leave to amend. FedEx also consents to the withdrawal of its motion to dismiss the plaintiffs' second amended complaint upon the court's entry of an order granting the plaintiffs' motion for leave to amend.

The court now GRANTS the plaintiffs leave to amend their complaint and deems their proposed third amended complaint filed. The court DENIES FedEx's motion to dismiss (doc. # 1781) and motion for extension of time to file a reply in support of its motion to dismiss (doc. # 1824) as MOOT.

SO ORDERED.

ENTERED: September 29, 2009

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court